



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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Vol. 26

April 28, 2009

No. 12

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# HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3878**, a joint resolution establishing a **JOINT STUDY COMMITTEE ON THE CONSOLIDATION OF STATE AGENCIES**. The purpose of the committee is to review the feasibility and costs savings related to the consolidation of certain state agencies with the objectives of: (1) identifying a consolidation plan that generates at least three hundred fifty million dollars in savings; and (2) applying the funds generated only to offset recurring state expenditures. The savings generated in the first year of the implementation of the consolidation plan must be used only for reduction of the state's debt. The Joint Study Committee must be composed of the following individuals or their designees: the Governor, the Chairman of the Senate Judiciary Committee, the Chairman of the House Judiciary Committee, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the majority and minority leaders of the House of Representatives, and the majority and minority leaders of the Senate. Designees, if appointed, must be from within the respective committee. The study committee may solicit input from agency heads and from other sources as necessary. Recommendations for elimination of duplication within state agencies and costs savings mechanisms must be reported to the General Assembly by January 15, 2010, at which time the committee is dissolved.

The House amended, approved, and sent to the Senate **H.3882**. This legislation provides for the first round of **SMALL BUSINESS "RED TAPE" REDUCTION** proposals drawn from the testimony of small business leaders who were invited to relate their frustrations with bureaucracy and identify regulations that are placing unnecessary burdens on their efforts. The legislation includes provisions to ease a renewal deadline requirement for limited liability partnerships, expedite the Department of Health and Environmental Control's certification of consistency with the coastal zone management plan for property development in the coastal region, and implement an online answer desk and centralized clearinghouse concerning all state agency licensing, permitting, and regulation of economic activity.

The House returned **S.268** to the Senate with amendments. The bill revises provisions for Building Code Inspection Officers to authorize the certification of **SPECIAL BUILDING INSPECTORS**. The revisions are offered to allow for the use of inspectors who are equipped with specialized knowledge in particular construction trade disciplines, such as plumbing, electrical, mechanical, and fuel gas and energy conservation, rather than general construction trade knowledge.

The House amended, approved, and sent to the Senate **H.3371**. This bill establishes new requirements for the **CONTINUATION OF CARE FOR A SERIOUS MEDICAL CONDITION WHEN A PROVIDER BECOMES OUT-OF-NETWORK FOR A HEALTH INSURANCE PLAN** during the course of treatment. The legislation provides new requirements for health insurers covering such situations that allow the insured to receive continuity of care for ninety days or until the termination of the benefit period, whichever is greater.

The House amended, approved, and sent to the Senate **H.3358**, which makes **REVISIONS PERTAINING TO VULNERABLE ADULT ABUSE AND NEGLECT**. Among other things, this bill revises definitions used in the Omnibus Adult Protection

Act. The bill clarifies procedures for reporting cases in which there is a reasonable suspicion of criminal conduct. The bill establishes criminal penalties if a caregiver, due to reckless disregard for the health or safety of a vulnerable adult, neglects or causes great bodily injury or death to a vulnerable adult. Specifically, a caregiver who knowingly and willfully neglects a vulnerable adult is guilty of a misdemeanor and, once convicted, must be imprisoned not more than one year, fined not more than \$1,000 dollars, or both. If the vulnerable adult suffers great bodily injury, the caregiver is guilty of a misdemeanor and, once convicted, must be imprisoned not more than three years, fined not more than \$5,000 dollars, or both. If a caregiver knowing and willfully neglects a vulnerable adult and that neglect results in death, the caregiver is guilty of a felony and, once convicted, must be imprisoned not more than five years, fined not more than \$10,000 dollars, or both. In a nursing home contracted for operation by the Department of Mental Health the bill requires the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division to investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner. The bill authorizes the Department of Health and Environmental Control (DHEC) to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed for the purpose of inspecting and investigating conditions relating to DHEC violations. If entry or inspection is denied, the bill authorizes the department to seek a warrant from a magistrate to enter the property upon a showing of probable cause for the need for entry and inspection. The bill allows DHEC the ability to deny, suspend, or revoke licenses or assess a monetary penalty or do both for certain violations. The legislation also revises the definition of "caregiver" under the Omnibus Adult Protection Act so that it excludes nurses and other persons who are licensed, or otherwise authorized to practice their profession, pursuant to Title 40 of the South Carolina Code.

The House amended, approved, and sent to the Senate **H.3483**, a **PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO HUNTING, TRAPPING, AND FISHING RIGHTS**. This joint resolution proposes to amend the State Constitution so as to provide that hunting, trapping, and fishing and the taking of wild animals, birds, and fish are a valued part of our heritage and shall be forever preserved for the people. Fish and wildlife shall be managed by laws and regulations that provide persons with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers, and trappers. Fish and wildlife management, including taking, shall be consistent with the state's duty to protect this heritage and its duty to conserve wild animals, birds, and fish. Hunting, fishing, or trapping by sportsmen shall always be a preferred and available means of controlling all invasive or overpopulated species. Any person who is licensed to hunt, fish, or trap and who is adversely affected by a failure to comply with this provision shall have a private cause of action to enforce this provision. The right of the people to hunt, fish, trap, and harvest game shall be subject only to such regulations and restrictions as the General Assembly may prescribe by general law. This proposed constitutional amendment would be submitted to the voters at the next general election.

The House approved and sent to the Senate **H.3681**, "**CHANDLER'S LAW**" or the "**ALL-TERRAIN VEHICLE SAFETY ACT**". The legislation provides that it is unlawful for a parent or legal guardian to knowingly permit his child or ward six years of age or younger to operate an all-terrain vehicle (ATV). A person fifteen years old or younger may not operate an ATV within this State unless the person possesses a safety

certificate indicating successful completion of an ATV safety course approved by the ATV Safety Institute. The legislation provides that vehicles meeting specific standards only may only be operated by persons of a certain age. The legislation further provides that a person fifteen years of age or younger must wear a safety helmet and eye protection while operating an ATV. The legislation outlines restrictions for the operation of an ATV on those lands open to the public. The legislation provides that ATVs are exempt from *ad valorem* personal property taxes beginning with calendar year 2009. Violations of this legislation, unless otherwise specified, are misdemeanors punishable by a fine of not less than \$50 dollars nor more than \$200 dollars. The legislation also provides for the titling of ATVs through the Department of Motor Vehicles. These provisions do not apply to an owner, operator, lessor or renter of a farm or ranch or that person's employees, immediate family or household members when operating an all-terrain vehicle while engaged in farming or ranching operations or a person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities.

The House approved and sent to the Senate **H.3272**, a bill revising the provision of the South Carolina Real Property Valuation Reform Act of 2006 which requires the assessed value of real property to be determined at the time it is sold. The legislation eliminates **POINT-OF-SALE REASSESSMENT UNDER REAL PROPERTY VALUATION REFORM ACT** requirements by postponing reassessment for a parcel of real property that is sold or undergoes another assessable transfer of interest until the property tax year of implementation of the next countywide assessment. Under the legislation, reassessment is not postponed when improvements are made to the property, and limits on increases in value must be calculated separately on land and improvements.

The House concurred in Senate amendments to **H.3378** and enrolled the bill for ratification. The legislation establishes new **TERMS AND CONDITIONS FOR MANDATORY STATE AGENCY FURLOUGH PROGRAMS** during budget shortfalls. The legislation provides that, in a fiscal year in which the general funds appropriated for a state agency are less than what was appropriated in the prior fiscal year, or in a fiscal year in which an agency that is funded by other funds projects other funds collections to be less than in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program, regardless of source of funds or place of work, and must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the state agency will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. A mandatory furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely. During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. The implementation of a furlough program shall be on an agency-by-agency basis.

Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement these provisions of this section. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

The House concurred in Senate amendments to **H.3299**, the "**CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009**", and enrolled the bill for ratification. The legislation responds to the rapidly-evolving array of new options for telecommunication services resulting from competition among traditional telephone service providers, cable companies offering communications services, voice over Internet protocol (VoIP) providers, wireless communications service providers, and other communications service providers by establishing a mechanism for alternative regulation that a qualifying local exchange carrier may choose which relaxes certain restrictions to relieve customers of unnecessary costs and burdens, encourage investment, and promote timely deployment of more innovative offerings at competitive prices. This optional alternative regulation is offered as a means of making the full range of competitive options and offerings available to customers of communications services while maintaining inflation-based price controls for those existing customers who wish to continue receiving only stand-alone basic residential lines from traditional telephone companies, and, at the same time, ensuring that customers in rural areas of the State continue to have access to basic local exchange service at affordable rates.

The House approved **S.420**, legislation placing **RESTRICTIONS ON THE OPERATION OF DECOMMISSIONED AMBULANCES** or vehicles upfitted as ambulances, and enrolled the bill for ratification. This bill provides that it is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance unless the vehicle's exterior equipment and markings that distinguish it as an ambulance are removed. The bill establishes both misdemeanor and felony offenses for violations. Exceptions are provided for: (1) eleemosynary or not-for-profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions; (2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business; (3) a person operating a vehicle going to a location for the purpose of removing the vehicle's exterior equipment or markings, or (4) a person operating an antique vehicle.

The House concurred in Senate amendments to **H.3203** and enrolled the bill for ratification. The legislation revises provisions governing the operation of the **DRYCLEANING FACILITY RESTORATION TRUST FUND**. The legislation further specifies that wholesale drycleaning facilities are subject to the provisions of the article and are eligible to seek restoration assistance. The legislation authorizes the Department of Health and Environmental Control to use funds, other than funds from the Drycleaning Facility Restoration Trust Fund, if an emergency exists and funds are not available from the trust fund and to further provide that these funds must be repaid from the trust fund. The legislation provides exemptions from the environmental surcharge imposed on the gross proceeds of sales of retail drycleaning facilities, including an exemption for wholesale sales of drycleaning services. The legislation further provides for eligibility requirements and determinations and procedures for requesting and issuing restoration assistance, including obtaining secondary assessments and the amount of

deductibles. The legislation provides for initial and annual registration fees for drycleaning facilities established after October 1, 1995. The legislation authorizes the property owner to register a facility if the owner or operator of the facility does not. The legislation provides for the issuance of certificates of registration and requires presentation of such certificates in order to purchase drycleaning solvents. The legislation prohibits a supply facility, or other drycleaning facility, from selling drycleaning solvent to a drycleaning facility if the facility does not possess a certificate. The legislation provides civil penalties, specifies requirements for a drycleaning facility exemption certificate, and revises the membership of the Drycleaning Advisory Council.

The House concurred in Senate amendments to **H.3627** and enrolled the bill for ratification. The legislation revises provisions relating to the use of **BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION** for the transportation of school children from islands to mainland schools by certain other persons, so as establish new conditions for operating these boats on Sandy Island that allow for the transportation of Sandy Island residents as well as non-residents when accompanied by island residents.

The House concurred in Senate amendments to **H.3121**, legislation providing that it is **UNLAWFUL TO REMOVE CERTAIN KINDS OF TURTLES FROM THE STATE**, and enrolled the bill for ratification. The legislation provides that it is unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this State more than ten, either in one species or a combination of species, of the following species of turtles at one time with a maximum of twenty turtles of these species, either individually or in combination in any one year: yellowbelly turtle (*Trachemys scripta*), Florida cooter (*Pseudemys floridana*), river cooter (*Pseudemys concinna*), chicken turtle (*Deirochelys reticularia*), eastern box turtle (*Terrapene carolina*), eastern painted turtle (*Chrysemys picta*), spiny softshell turtle (*Apalone spinifera*), Florida softshell turtle (*Apalone ferox*), and common snapping turtle (*Chelydra serpentina*). The provisions of this legislation do not prohibit the sale, offer for sale, or purchase of the yellowbelly turtle (*Trachemys scripta*) species and the common snapping turtle (*Chelydra serpentina*) species if these turtles were taken from a permitted aquaculture facility with required documentation. A person violating these provisions is guilty of a misdemeanor and subject to a fine of up to two hundred dollars and/or up to thirty days in jail. Each turtle unlawfully removed or in possession of a person attempting to remove them unlawfully constitutes a separate offense. A violator must also have his permit permanently revoked and may never be issued another one.

The House concurred in Senate amendments to **H.3452** and enrolled the bill for ratification. This legislation revises provisions relating to regulation of manufacturers of alcoholic liquors, so as to include **REGULATION OF MICRO-DISTILLERS** of alcoholic liquors on licensed premises. The legislation provides for a biennial distillery license fee and establishes procedures for obtaining a license. The legislation also establishes procedures for holding tastings. Penalties are provided for violations.

The House approved **S.97** and enrolled the bill for ratification. This legislation increases membership of the **CENTRAL CAROLINA TECHNICAL COLLEGE COMMISSION** from nine to eleven to provide for an additional member from Clarendon County and an additional member from Kershaw County.

The House approved and sent to the Senate **H.3482**, a bill establishing a **PERSONAL PROPERTY TAX EXEMPTION FOR A COMPANY ENGAGED IN AIR TRANSPORT**

**OF SPECIALIZED CARGO.** The exemption applies to all personal property of such companies, including aircraft.

The House approved and sent to the Senate **H.3749**, a bill to provide that, when authorized by the National Guard Bureau, there may be an additional **ASSISTANT ADJUTANT GENERAL** for the South Carolina Army National Guard who may hold the rank of major general.

The House approved and sent to the Senate **H.3630**, a bill **REQUIRING ALL MUNICIPAL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM** conducted by the State Election Commission.

The House approved and sent to the Senate **H.3874**, which revises the restrictions on **ELIGIBILITY FOR A FORMER MEMBER OF THE GENERAL ASSEMBLY TO BE ELECTED TO AN ADMINISTRATIVE LAW JUDGE POSITION.** The legislation provides that a member of the General Assembly must not be elected to an administrative law judge position for a period of one year after leaving office. This replaces the current four-year prohibition.

The House approved and sent to the Senate **H.3706**. This bill revises restrictions on the use of campaign funds for personal expenses by **AUTHORIZING THE USE OF A DEBIT CARD DRAWN UPON A CAMPAIGN ACCOUNT** for expenditures of more than twenty-five dollars in addition to a written instrument.

The House approved and sent to the Senate **H.3254**. This bill establishes the conditions under which qualified **SPEECH-LANGUAGE PATHOLOGISTS** employed in public school districts are eligible to receive yearly incentive payments.

The House approved and sent to the Senate **H.3572**, a bill to repeal provisions relating to **SHARK CATCH LIMITS**, which allows South Carolina to be in compliance with Federal regulations.

The House approved and sent to the Senate **H.3571**, a bill relating to the **PROHIBITION AGAINST THE TAKING OR DESTROYING OF THE NEST OF EGGS OF WILD BIRDS.** This bill defines “active nest” as a nest with birds or eggs present. The bill allows the Department of Natural Resources to issue a permit for the removal of an active nest or eggs that constitute a public safety threat or when birds are causing damage to property.

The House approved and sent to the Senate **H.3872**, the “**GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT.**” The legislation establishes the powers and duties of the Greenville Technical College Enterprise Campus Authority as a means of promoting and enhancing economic development through the location and development of high technology businesses and industries.

## HOUSE COMMITTEE ACTION

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

The Agriculture, Natural Resources and Environmental Affairs Committee on Wednesday, April 22, 2009.

The full committee gave a favorable recommendation with amendment to **H.3794** relating to additional prohibited activities on **WILDLIFE MANAGEMENT AREAS (WMA)**, Heritage Trust areas and other Department of Natural Resources owned lands. Among other things, this bill creates a misdemeanor criminal offense for entering or remaining on a closed area contrary to the instructions of a law enforcement officer, manager, or department custodial personnel. The legislation shall not interfere with the use and management of lands by a state agency charged with the management of those lands as part of the functions of the agency authorized by law or with the management and use by a landowner of his lands with the WMA program. In addition the legislation will not alter in any way the rights of owners of easements and rights of way within the boundaries of those lands.

**H.3718** relating to the **RESALE OF FRESH MEAT PRODUCTS** was given a favorable recommendation with amendment by the full committee. The bill outlines that fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale if the fresh meat or fresh meat products have been returned by the consumer.

The full committee gave a favorable report to **H.3707** regarding **MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER WITH ETHANOL OR BIODIESEL**. This bill requires motor fuel terminals to offer for sale petroleum products that are suitable for subsequent blending either with ethanol or biodiesel. A person or entity is prohibited from taking an action to deny a motor fuel distributor or retailer from being the blender of record. In addition, motor fuel distributors, retailers, and refiners must utilize the renewable identification number (RIN). The legislation may not be construed to imply a market value for the RINs. The legislation also declares violations as an unfair trade practice and each violation is a separate offense.

**H.3651** dealing with **FORESTRY ACTIVITIES** was given a favorable recommendation with amendment by the full committee. This bill clearly defines forest management activities. A county or municipality shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either forestry activity on forestland that is taxed on the basis of its present use value or forestry activity that is conducted in accordance with a forest management plan. The legislation also outlines terms and conditions for which counties or municipalities can or cannot defer building permits.

The full committee gave a favorable recommendation with amendment to **S.453** relating to **THE CARE OF LIVESTOCK, ANIMALS, AND POULTRY**. Under this legislation, units of local government may not enact ordinances, orders, or other regulations concerning the care and handling of livestock and poultry. Care and handling means accepted animal husbandry practices. The stated intent of this legislation is for the General Assembly to occupy the field of regulation of care and handling of livestock and



poultry. All local laws and ordinances related to the regulation of and the enforcement of the care and handling of livestock and poultry in this State are preempted and superseded by laws enacted by the General Assembly. The provisions do not apply to the "Right to Farm Act" and do not affect a local unit of government's authority to enact ordinances concerning new swine operations and new slaughterhouse operations. The legislation outlines that governing body of a county may not impose a storm water fee on agricultural lands, forest lands, or undeveloped lands. However, any county which imposes such a fee on these lands on the effective date of this provision may continue to impose that fee under its same terms, conditions, and amounts. The provisions also do not preclude or limit a unit of local government's right to exercise its land use and zoning authority. Property owners and residents within a one mile radius of a permitted livestock and poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility.

In an effort to encourage the use of clean resources, the full committee gave a favorable recommendation to **S.232** relating to **RENEWABLE ENERGY RESOURCES**. This bill provides the meaning of "renewable energy resources" as energy conservation and efficiency, solar photovoltaic energy, solar thermal energy, wind power, hydroelectric power, geothermal energy, tidal energy, wave energy, recycling, hydrogen fuel derived from renewable resources, biomass energy, energy derived from municipal and other solid waste, energy derived from waste oil, energy derived from waste tires, and landfill gas. The bill also states that the Public Utility Review Committee shall submit to the General Assembly, on an annual basis, a review of the state energy action plan of the State Energy Office.

The full committee gave a favorable recommendation with amendment to **S.9** regarding **ENERGY EFFICIENCY AND RENEWABLE ENERGY GOALS FOR STATE GOVERNMENT**. The legislation outlines that every state agency shall establish a goal to reduce energy consumption by at least one percent each year beginning July 1, 2009, with an ultimate goal of reducing energy consumption by twenty percent by 2020, relative to year 2000 levels. These provisions do not apply to the provisions in the Energy Independence and Sustainable Construction Act of 2007. The definition of "state agency" does not include the state institutions of higher learning with facilities greater than ten thousand gross square feet that have facilities whose function is defined as research or athletics.

State agencies must adopt goals outlined for energy consumption sourced from renewable energy resource starting with two and a one-half percent by 2015, with increased percentages through 2025. These goals must be met by participation in green power purchasing programs offered by the agency's incumbent electric utility. The legislation states that "renewable energy" means energy as defined in the federal Energy Policy Act of 2005. Any agency occupying a state-owned building shall annually report to the State Energy Office, and as a result, the State Energy Office shall report annually on each state agency's progress toward reaching these goals. The bill also directs state agencies to procure energy efficient products and directs every state agency head to require the replacement of all incandescent light bulbs with compact fluorescent light bulbs in each state agency by July 1, 2011. The legislation also outlines by July 1, 2011, each agency must consider reductions of its energy, water and wastewater use and must implement recommended conservation measures to the degree the agency determines that the measures are cost effective. Audits may be performed by internal

auditors and the results and recommendations shall be included in the report to the State Energy Office.

## EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Thursday, April 23, 2009.

**H.3530**, allowing for **ADMINISTRATIVE PENALTIES FOR AUTOMOBILE DEALERS**, received a favorable with amendment report from the committee. This bill allows the Department of Motor Vehicles (DMV) to impose and collect an administrative penalty not to exceed \$1,000 dollars for each of the acts, omissions, or violations of certain provisions by automobile dealers, automobile manufacturers, distributors, and wholesale motor vehicle auctions. Nothing in this legislation may be construed as precluding a prosecuting authority from prosecuting any acts, omissions, or violations that may constitute a violation of applicable criminal law. The DMV may impose and collect an administrative penalty of not more than \$9,000 dollars against a person or business for each vehicle sold without a license. The person or business is entitled to a hearing pursuant to the Administrative Procedures Act if the person or business contests an imposed penalty. The penalties collected pursuant to these provisions must be placed in a special restricted account by the Comptroller General to be used to defray the expenses of the DMV.

The committee gave a favorable with amendment report to **H.3134**, relating to **GOLD STAR FAMILY SPECIAL LICENSE PLATES**. Current law does not define who is eligible for this special license plate. This bill allows the Department of Motor Vehicles to issue these special license plates to members of the immediate family of United States armed forces members killed in action. An immediate family member is defined as a parent, spouse, sibling, or child. Each qualifying person is entitled to a limit of two 'Gold Star Family' special license plates. This bill exempts these plates from certain production and distribution requirements, and it waives certain fees for these special license plates.

**H.3653** received a favorable report. This is a joint resolution to delay implementation of the provisions of Act 270 of 2008, relating to the requirement that **MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD**, so as to postpone this expansion of the municipal court jury list until December 31, 2009.

The Education and Public Works Committee gave a favorable with amendment report to **S.126**, pertaining to **HANDICAPPED PARKING**. However, the amendment was not posted in time for inclusion in this week's *Legislative Update*.

**H.3678** received a favorable report. Relating to the **MAXIMUM ALLOWABLE GROSS WEIGHTS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE'S HIGHWAYS**, this legislation makes a technical change to regarding the maximum gross vehicle weight for special use vehicles.

[H.3814](#), a joint resolution providing for a **HIGHWAY BEAUTIFICATION PILOT PROJECT**, received a favorable with amendment report. However, the amendment was not posted in time for inclusion in this week's *Legislative Update*.

[H.3841](#), enacting the "**TECHNICAL COLLEGE ADMINISTRATIVE EFFICIENCIES ACT OF 2009**" received a favorable with amendment report from the Education and Public Works Committee. This legislation requires the State Board for Technical and Comprehensive Education (State Board) to establish a tiered system for categorizing technical colleges with respect to their financial strength and ability to manage day-to-day operations. The legislation grants administrative relief to the State Board from certain legislatively required procedures, and the State Board has the authority to grant administrative relief to the technical colleges upon the satisfaction of various conditions with regards to human resources, surplus property, leasing, procurement, grants management and capital building projects. The legislation includes provisions allowing a technical college to offer educational fee waivers to not more than six percent of its student body. Fee waivers above four percent of the student body must be used for in-state students. The legislation further requires that state-supported institutions of higher learning, including technical colleges, to report annually to the Commission on Higher Education the number of waivers granted during the fiscal year and other information the commission may require.

[H.3543](#) providing for a **MODEL DATING VIOLENCE POLICY**, received a favorable with amendment report from the Education and Public Works Committee. However, the amendment was not posted in time for inclusion in this week's *Legislative Update*.

[H.3297](#), relating to **SCHOOL SNACKS, FOOD AND BEVERAGES**, received a favorable with amendment recommendation from the Education and Public Works Committee. However, the amendment was not posted in time for inclusion in this week's *Legislative Update*.

## JUDICIARY

The Judiciary Committee met on Tuesday, April 21, 2009.

[H.3130](#), **DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESABLE TRANSFER OF INTEREST**, received a favorable report from the full committee. This bill provides that a conveyance to a trust does not constitute an assessable transfer of interest in the real property if the settlor or settlor's spouse conveys the property to a trust the beneficiaries of which are a child or children of the settlor or the settlor's spouse. The bill further provides that a conveyance by distribution under a will or by intestate succession does not constitute an assessable transfer of interest in the real property if the distributee is a child or children of a decedent and the decedent did not have a spouse at the decedent's date of death. The Judiciary Committee gave a favorable with amendment report to [H.3720](#), relating to **SERVICE BY PUBLICATION**. This bill provides that a court shall grant an order allowing a party with an interest in or lien on a parcel of real property subject to a partition action, mortgage foreclosure action, or other action affecting the property's title to serve by publication legal notice, summons, pleadings, or other court-required process or documents on a party unknown to the plaintiff and who has an interest in or

lien on the real property, if the: (a) residence of this unknown party cannot, with a reasonably diligent effort, be ascertained by the plaintiff; and (b) plaintiff presents an affidavit to the court stating he has been unable to ascertain the residence of the unknown party after making a reasonably diligent effort. A court order allowing a party to serve an unknown party by publication must require the party serving by publication to publish the service once a week for three weeks in a newspaper of general circulation in the county where the property is situated. Service by publication is equal to personal service on the unknown party. A party may accomplish service by publication for multiple units in a single horizontal property regime by consolidating the services into a single service that identifies each apartment included in the action based on the apartment's description in the master deed. This consolidated service must comply with the other requirements and other applicable statutes, including the requirement that publication must take place once a week for three weeks in a newspaper of general circulation in the county where the property is situated.

[H.3761](#) received a favorable recommendation. This bill allows **FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY RELATED TO DRUG PROCEEDS TO BE USED FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT**.

[H.3231](#), a **PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR THE JOINT ELECTION OF GOVERNOR AND LIUTENTANT GOVERNOR**, received a favorable recommendation from the Judiciary Committee. This joint resolution proposes to amend the State Constitution so as to provide for the joint election of the Governor and Lieutenant Governor beginning with the general election of 2014.

[H.3280](#), a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SUPERINTENDENT OF EDUCATION**, received a favorable with amendment report. This joint resolution proposes to amend the State Constitution so as to delete the Superintendent of Education from the list of State officers that the constitution requires to be elected. The joint resolution further provides that the Superintendent of Education must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office.

[H.3279](#), a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SECRETARY OF STATE**, received a favorable with amendment report. This joint resolution proposes to amend the State Constitution so as to delete the Secretary of State from the list of State officers that the constitution requires to be elected. The joint resolution further provides that the Secretary of State must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office.

The Judiciary Committee gave a favorable with amendment report to [H.3199](#), a bill enacting “**THE BEHAVIORAL HEALTH SERVICES ACT OF 2009**.” This legislation eliminates the Department of Alcohol and Other Drug Abuse Services, the Department of Mental Health and the Division of Continuum of Care for Emotionally Disturbed Children and consolidates their powers and duties within a newly-created Department of

Behavioral Health Services, which is charged with developing and implementing a plan for the coordinated care and unified delivery of behavioral health services.

[H.3377](#) received a favorable report. This bill provides that **NATIONAL PARK SERVICE RANGERS ARE FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE AUTHORIZED TO ENFORCE THE STATE'S CRIMINAL LAWS.**

[H.3087](#) received a favorable report. Under this bill, a **LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN STATE LAW.**

[H.3252](#), relating to **SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR CERTAIN CONTROLLED SUBSTANCE CONVICTIONS**, received a favorable report. Current law provides for a mandatory suspension of a person's driver's license for controlled substance violations involving hashish or marijuana. This bill provides that a driver's license suspension under these circumstances is in the discretion of the judge.

The committee gave a favorable report to [H.3746](#), relating to the **NOMINATION OF CANDIDATES BY A PETITION**. This bill provides that no qualified elector who voted in a primary election is eligible to sign a petition for a candidate to run for an office to be filled at the general election following that primary. A qualified elector otherwise eligible to sign a petition for a candidate to appear on a general election ballot may not sign more than one petition per general election per office. A person offering for election as a petition candidate in any general election must have first notified the entity to which the petition is required to be filed by the beginning date of the primary election preceding that general election of his intention to file as a petition candidate for that office, and a failure to do so disqualifies him as a petition candidate for that general election. Relating to the form of nominating petitions, this bill requires all the signatures to be legible so that the name of the voter can be identified beyond a reasonable doubt. This bill revises the verification process and provides that all qualified electors signing a petition for a candidate to appear on a general election ballot for election to a particular office must have been a qualified elector who registered to vote at least 30 days before submission of the petition. The registration board is required to verify that the voter is a qualified elector in that jurisdiction. The entity to which a petition must be filed may reject the petition if, after a hearing, the entity finds that by a preponderance of the evidence fraud was committed in the execution of the petition. The bill provides that the validation of the signatures on a petition and the determination of whether or not fraud was committed in the execution of the petition must be conducted in public after notice. This bill provides that decisions of a local entity to which a petition must be filed may be appealed to the State Election Commission and thereafter to a court of competent jurisdiction in the manner in which appeals from the State Election Commission may be taken.

[H.3608](#), providing for **EARLY VOTING CENTERS**, received a favorable with amendment recommendation from the Judiciary Committee. This legislation requires the authority charged by law with conducting an election to establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period. The qualified elector may accomplish this at a voting place, in his county of residence, that is established as an early voting center by the county boards of election. Early voting centers shall allow duly registered voters of that county to vote outside their precinct. Early voting centers must be established and maintained to ensure that voters

may cast only one ballot. Each county board of elections shall establish a minimum of one early voting center. The early voting period begins the Thursday before a statewide primary or general election and ends the following Saturday. A qualified elector must be able to vote at his county's early voting center during all hours of operation which must be from 7:00 a.m. until 7:00 p.m. Thursday, 7:00 a.m. until 7:00 p.m. Friday, and from 9:00 a.m. until 5:00 p.m. on Saturday. The county boards of election shall determine the locations for early voting centers. These locations for the early voting centers must be posted. A sign must be posted prominently in an early voting center and must have printed on it 'VOTING MORE THAN ONCE IS A CRIME THAT WILL BE CAUGHT AND PROSECUTED'. All diligence must be given in locating early voting centers to ensure convenient and accessible facilities in which to vote. To vote by absentee ballot, a qualified elector must request an application to vote by absentee ballot in person or by mail from the county registration board. The legislation removes provisions in current law allowing for requests for an absentee ballot to be made by a qualified elector's representative. This bill also requires the executive director of the State Election Commission to enter into a master file a separate designation each for voters casting absentee ballots and early ballots in a general election.

[H.3118](#), relating to the **SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM**, received a favorable with amendment recommendation. This bill allows the South Carolina Guardian ad Litem Program, or a county guardian ad litem program, whichever is appropriate, to intervene in an abuse or neglect proceeding in order to petition the court to relieve the volunteer, lay guardian ad litem from appointment for the following reasons: (a) incapacity; (b) conflict of interest; (c) misconduct; (d) persistent neglect of duties; (e) incompetence; or (f) a knowing and wilful violation of program policies and procedures that affect the health, safety, and welfare of the child. The court shall determine what is in the best interest of the child when ruling on the petition. This bill also provides that reports and information maintained by a guardian ad litem are confidential.

The committee adjourned debate on the following:

- [H.3774](#), a bill relating to **MUNICIPAL UTILITY SERVICES**
- [H.3074](#), a bill pertaining to **MUNICIPAL ANNEXATION**
- [H.3276](#), a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE COMMISSIONER OF AGRICULTURE**
- [S.351](#), a bill relating to **STATE PORTS AUTHORITY**
- [S.191](#), a bill enacting the "**SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009**"
- [S.155](#), a bill enacting the "**MILITARY PARENT EQUAL PROTECTION ACT**"

The following were recommitted to their respective subcommittees:

- [H.3071](#), a bill relating to the **QUALIFICATIONS FOR A COUNTY CLERK OF COURT, AUDITOR, AND TREASURER** (Constitutional Laws Subcommittee)
- [H.3677](#), enacting the "**VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT**" (Criminal Laws Subcommittee)
- [H.3030](#), a bill which makes **REVISIONS TO THE YOUTHFUL OFFENDER ACT** (Criminal Laws Subcommittee)



## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, April 21, and reported out three bills.

The committee gave a report of favorable with amendments on **S.184**, a bill establishing new requirements for **JUNK DEALERS**. The legislation establishes new requirements for junk dealers and demolishers to collect and maintain certain identifying information on the sellers of scrap metal or vehicle parts, other than nonferrous metals, as well as certain identifying information on items purchased. The legislation enhances penalties for violations of junk and scrap dealing provisions. The legislation provides that a vehicle that has had at least two colored tags previously placed on it is an abandoned vehicle and may be removed immediately by a law enforcement agency to a designated place to be sold. The legislation also provides that it is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to his property.

The committee gave a report of favorable with amendments on **H.3550**, a bill that revises the Building Energy Efficiency Standard Act, redesignating it the “**ENERGY STANDARD ACT**.” The legislation adopts the 2006 edition of the International Energy Conservation Code as the energy standard and provides that all new and renovated buildings must comply with this standard. The legislation provides that local building officials shall enforce the energy standard and provides for alternative enforcers in areas without a building official. Building officials are authorized to issue and revoke building permits and inspect construction of buildings issued permits. The legislation requires local jurisdictions to provide an appeals board and process for granting of certain variances. The legislation provides an exception and allows certain appeals to be heard by the South Carolina Building Codes Council. The legislation provides that a person or party may obtain injunctive relief. The legislation eliminates provisions relating to what constitutes compliance with the building envelope requirements of the energy code, free access to documents containing codes adopted by the Building Codes Council, and building permits for three story homes.

The committee gave a report of favorable with amendments on **H.3790**, the “**SOUTH CAROLINA MORTGAGE LENDING ACT**,” which brings the state into compliance with new federal requirements for mortgage lenders imposed under the Secure and Fair Enforcement for Mortgage Licensing (S.A.F.E.) Act of 2008. Should a state fail to enact statutes that comply with the requirements of the federal legislation by July 1, 2009, the United States Department of Housing and Urban Development (H.U.D.) is authorized to impose regulations. The legislation establishes new requirements for mortgage lenders and loan originators relating to: licensure, background checks, continuing education, record keeping, maintenance of surety bonds, reporting and filing, limitations on advertising and other business activities, penalties for violations, and participation in the Nationwide Mortgage Licensing System and Registry.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 21, 2009. As a result, the full committee gave a favorable recommendation with amendment to **H.3488** relating to the **STUDY COMMITTEE FOR VETERANS' AFFAIRS**. This joint resolution establishes a study committee to project the veteran population in South Carolina during the next twenty years; to study the advisability and feasibility of constructing an additional state veterans' nursing home in the state; to find ways in which the state should proceed to generate maximum use of state tax revenue for the benefit of veterans; and to study veterans' access to existing nursing facilities and adult daycare facilities and the availability of these facilities. The committee is comprised of three members of the Senate and three members of the House. The committee shall elect a chairman and a vice chairman and shall meet as often and at any locale in the state. The committee shall render a written report of its findings and recommendations to the General Assembly and to the Governor not later than April 1, 2010, at which time the committee shall be dissolved and this joint resolution shall expire. The committee shall receive clerical and related assistance from the staff of the Senate and the staff of the House of Representatives, as approved. The members of the committee may not receive compensation and are not entitled to receive mileage, subsistence, and per diem authorized by law for members of state boards and committees.

## WAYS AND MEANS

The full committee did not meet this week.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **S.711 QUARANTINE FOR CITRUS GREENING Sen. Verdin**

As a result of a major disease of citrus plants being discovered in Charleston County, this bill directs the Clemson University Regulatory and Public Service Programs Division to establish a quarantine for Citrus Greening, also known as Huanglongbing. This bill further establishes requirements for and the duration of the quarantine and penalties for violation.

### **H.3913 STRIPED BASS Rep. Vick**

This bill outlines that in the inshore waters and territorial sea from June first through September thirtieth, it is unlawful to possess any striped bass (rockfish). Any striped bass taken must be returned immediately to the waters from where it came. The bill outlines that from October first through May thirty-first in the inshore waters and the territorial sea it is unlawful to take or possess more than three striped bass per day; take any striped bass less than twenty-six inches in length or land any striped bass without the head and tail fin intact. In addition, the bill establishes seasonal creel and size limits for striped bass in certain freshwater bodies in the Lower Santee and Cooper Rivers.



**H.3964 SEED AND PLANT CERTIFICATION Rep. Duncan**

Among many things, this bill directs the Commissioner of Agriculture to appoint an arbitration committee for the purpose of seed arbitration. As a result, this bill updates and clarifies seed arbitration procedures. The bill replaces obsolete definitions and replaces enforcement mechanisms. The bill revises labeling requirements for seed products and imposes additional prohibitions. The legislation also increases penalties for violations of these provisions.

## **EDUCATION AND PUBLIC WORKS**

**S.286 DENTAL HEALTH EDUCATION PROGRAM Sen. Cleary**

This legislation requires the Department of Health and Environmental Control to implement a targeted community health program in three to five counties of need for dental health education, screening, and treatment referrals in public schools. The bill mandates that the program guidelines be promulgated in regulations, that an acknowledgement of dental screening be issued upon completion of the screening, and that the child's parent be notified if professional attention is indicated by the screening. The legislation requires that a screening must be completed unless a child's parent completes an exemption form.

**H.3890 SIGNS PERMITTED ALONG INTERSTATE OR FEDERAL-AID  
PRIMARY HIGHWAYS Rep. Dillard**

This bill prohibits future outdoor advertising sign construction within 2,500 feet of a cemetery or structure, site or district that has been identified as having historical or landmark significance and which is listed in the national historic register, state historical register, or other official county or municipal inventory of historic and landmark places.

**H.3903 "I SUPPORT LIBRARIES" SPECIAL LICENSE PLATES Rep.  
Branham**

This legislation authorizes the Department of Motor Vehicles to issue "I Support Libraries" special license plates. The fees collected above the cost of producing the license plates must be distributed to the South Carolina Association of School Librarians or the South Carolina Library Association as designated by the license plate applicant.

**H.3944 REVISION TO NASCAR SPECIAL LICENSE PLATES Rep. Jennings**  
Relating to the issuance of NASCAR special license plates by the Department of Motor Vehicles, this bill provides that a portion of the fees collected from the sale of these license plates must be distributed to the South Carolina Association of Children's Homes and Family Services. The bill deletes the provision allowing the fees collected to be distributed to the South Carolina Children's Emergency Shelter Foundation.

## **JUDICIARY**

**S.196 LIABILITY OF LIQUEFIED PETROLEUM GAS PROVIDERS  
Sen. McConnell**

This legislation limits liability for liquefied petroleum gas providers for injuries or damages caused by certain alterations, modifications, or repairs of liquefied petroleum

gas equipment. The bill further provides that the person who alters or modifies his liquefied petroleum gas equipment shall notify the licensed dealer who next fills or otherwise services his liquefied petroleum gas system. The dealer is required to notify their customers of this statutory obligation at least once a year in writing.

**S.218 GOOD-TIME CREDIT FOR PRISONERS Sen. Fair**

Under this bill, the director of the Department of Corrections must establish policies and procedures to restore to an inmate good-time credit lost for a disciplinary action, to award good-time credit to an inmate who performs certain meritorious acts, and to allow certain prisoners who are enrolled in certain programs that include self-help programs to receive a reduction in their sentences. The legislation also authorizes the Administrative Law Court to reduce these credits in certain circumstances.

**S.512 "VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT"**

**Sen. Lourie**

The stated intent of this bill is to bring South Carolina into compliance with the federal Violence Against Women Act.

**S.692 EXTENSION OF TRAFFIC EDUCATION PROGRAM DEADLINE**

**Sen. Sheheen**

This joint resolution extends the deadline requiring all circuit solicitors to have a traffic education program in effect to July 1, 2010.

**H.3902 FEES A SHERIFF MAY CHARGE FOR CERTAIN SERVICES**

**Rep. Harrison**

Relating to the fees a sheriff may charge for certain services, this bill increases the fees for these services. The bill also deletes the provision that allows a sheriff or his deputy to collect the same fee as allowed a constable for the service or execution of papers issued by a magistrate.

**H.3920 REVISION OF BEER AND WINE PERMITS Rep. Bales**

This bill revises requirements for retail permits regarding beer and wine, so as to prohibit the issuance of a license when the place of business is within 300 feet of a residence. 'Residence' means real property, or a portion of real property, used or occupied and intended, arranged, or designed to be used or occupied as a home, domicile, or sleeping place of one or more persons and includes single-family residences in which the occupants rent or lease the premises from the owner.

**H.3921 FINGERPRINT REQUIREMENT FOR EVIDENCE OF FRAUDULENT CHECKS Rep. Gunn**

This legislation amends laws relating to the drawing and uttering of a fraudulent check, so as to add a fingerprint exemplar as an item the receiver of the check must obtain to present prima facie evidence of the identity of the issuer of the check.

**H.3924 LIABILITY FOR DAMAGES CAUSED BY THE SMOKE OF A PRESCRIBED FIRE Rep. Harrison**

This bill revises provisions relating to liability for damages caused by a prescribed fire, by adding that no property owner, lessee, agent, or employee may be held liable for damages caused by the resulting smoke of a prescribed fire unless gross negligence is proven.

**H.3927 DISCLOSURE OF LOBBYISTS Rep. Loftis**

This legislation requires lobbyists who are also licensed to practice law in South Carolina to disclose the name of the law firm or law practice with which they are principally associated on the lobbyist's registration form filed with the State Ethics Commission.

**H.3941 PYROTECHNIC REGULATIONS AND FIREWORKS BILL Rep. Hayes**

This comprehensive legislation makes revisions pertaining to pyrotechnic regulations and fireworks. Among other things, the legislation changes the name of the State Board to the State Board of Pyrotechnic Safety; increases the State Board membership; requires licensure for the manufacturing, sale, or storage of fireworks; authorizes the Department of Labor, Licensing and Regulation, fire chiefs, and law enforcement officers to investigate complaints; provides grounds for disciplinary action; requires liability insurance; requires reporting of fires and explosions; provides criminal and civil penalties for violations; and further provides for the licensure and regulation of persons handling fireworks.

**H.3943 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO PUBLIC**

**OFFICERS GAMBLING Rep. Whipper**

This joint resolution proposes to amend the State Constitution by adding an exception to provisions relating to the prohibition of public officers gambling or betting on games of chance. The amendment would allow public officers, other than certain named officeholders, to participate in lotteries conducted by the state of South Carolina.

**H.3948 REVISIONS OF WORKERS' COMPENSATION RELATING TO IMMIGRANTS Rep. Rice**

This legislation expands the definition of employee in provisions relating to workers' compensation, so as to include legal immigrants and illegal immigrants, provided the employer was not aware of the immigrant's illegal status prior to the employee's injury. The bill excludes from workers' compensation illegal immigrants whose illegal status was known to the employer at the time of the immigrants' hire and illegal immigrants whom the employer discovers the illegal status during employment but before injury.

**H.3949 COMMITMENT OF TUBERCULOSIS PATIENTS Rep. Crawford**

This bill outlines provisions relating to the emergency detention and commitment of tuberculosis patients who pose a risk to the public.

**H.3952 SIX-MONTH MORATORIUM ON THE FORECLOSURE AND THE ACCRUAL OF INTEREST ON CERTAIN MORTGAGES Rep. Hart**

This is a joint resolution to provide for a six-month moratorium on the foreclosure of, and on the accrual of interest on, certain mortgages secured by residential real estate located in South Carolina.

**H.3954 NONPARTISAN COUNTY ELECTIONS Rep. McEachern**

This legislation provides a procedure by which certain county offices and the governing body of a county may be elected in nonpartisan elections.

**LABOR, COMMERCE AND INDUSTRY**

**S.323 CAPTIVE INSURANCE COMPANIES Sen. Thomas**

This bill revises provisions regulation captive insurance companies.

**S.630 MOTOR VEHICLE DEALERS Sen. Land**

This bill revises provisions relating to motor vehicle dealers, to prohibit motor vehicle manufactures or distributors from requiring dealers to relocate or make alterations to their dealership unless certain requirements are met. The legislation prohibits motor vehicle manufactures or distributors from preventing dealers from investing in, managing, or acquiring any other line-make of new motor vehicles or related products if certain requirements are met. The legislation establishes factors to be considered in calculating the fair and reasonable compensation for the value of a motor vehicle dealership.

**H.3922 REGISTRATION OF PREPAID WIRELESS TELEPHONE PURCHASERS**

**Rep. Gunn**

This bill requires a person who sells a prepaid wireless telephone to verify the identity of the purchaser by requiring the purchaser to show a valid driver's license or another specified photo identification card. The legislation requires the seller of the telephone to register the identity of the purchaser in a secure file or database and to submit the registration data to the South Carolina Law Enforcement Division. The legislation establishes situations in which a seller may disclose database information. Penalties are provided for failure to complete or remit the registration of phone purchasers, as well as for possessing or using false information for phone purchases

**H.3939 PROCEDURES FOR LIMITING MEDICAL SERVICES AND SUPPLIES REQUIRING PREAUTHORIZATION BY AN INSURER Rep. Loftis**

This bill establishes procedures for limiting the number of medical services and supplies requiring preauthorization by an insurer.

**H.3945 "REGISTERED INTERIOR DESIGNER PRACTICE ACT" Rep. Brady**

This bill enacts the "Registered Interior Designer Practice Act" to require individual rendering interior design services to register with and be regulated by the Department of Labor, Licensing and Regulation.

**H.3955 "APPALACHIAN MOUNTAINS PRESERVATION ACT" Rep. Gullick**

This bill enacts the "Appalachian Mountains Preservation Act", to provide that an electric public utility that operates a coal-fired generating unit may not enter into a contract to purchase or use coal extracted by mountaintop coal mining. The legislation requires a utility to ensure the coal it agrees to purchase or use was not extracted using mountaintop removal coal mining by securing from coal providers by sworn statement. The legislation establishes reporting requirements and allows information reported to be considered confidential. The legislation provides for an application procedure to determine a proper rate. The Public Service Commission is required to publish a list of public utilities that operate a coal-fired generating unit. Penalties are established for violations.

**H.3956 LOCK BUMPING Rep. G. R. Smith**

This bill creates the offense of lock bumping and provides for a penalty. The legislation revises provisions relating to making or possessing certain instruments capable of being used in the commission of crimes related to burglary, so as to include bump key in the list of illegal instruments.

**H.3965 REGULATION OF CONTRACTORS Rep. G. M. Smith**

This bill revises provisions relating to assessing costs of investigation and prosecution of a case against a person found in violation of the provisions for the licensure and regulation of contractors, so as to provide that the Department of Labor, Licensing and Regulation may not assess such costs. The legislation revises the prohibition against engaging in construction in a name other than the exact name that appears on the entity's contractor's license and prohibiting enforcement of a contract if the entity entered the contract in a name other than the name that appears on the entity's license, so as to provide that an entity may not engage in construction under a name or a license number other than that which appears on the entity's license and to provide that an entity may only enforce a construction contract if the entity either entered the contract in the name that appears on the entity's license or if the contract contained the license number that appears on the entity's license.

## **WAYS AND MEANS**

**H.3923 GOVERNOR REQUIRED TO APPLY FOR STATE FISCAL STABILIZATION FUNDS Rep. Gunn**

This joint resolution requires the Governor to apply for state fiscal stabilization funds available under the federal American Recovery and Reinvestment Act of 2009. The legislation makes findings that it is in the best interest of the state for the Governor to apply for these funds and that the General Assembly has the authority to require the Governor to make the application. The legislation provides that the Governor must apply for the funds within thirty days of the effective date of the joint resolution. The legislation establishes that the assurances that must be made to obtain the funds are the policy of this state. The legislation provides for baseline data on these assurances, and describes how the state will utilize the funds.

**H.3940 EXTENDED UNEMPLOYMENT BENEFITS Rep. Cobb-Hunter**

This bill revises definitions associated with extended unemployment benefits, so as to provide an additional "state 'on' indicator." The legislation adds to a definition of the eligibility period for unemployment benefits. The legislation revises provisions relating to the total extended benefit amount of unemployment benefits payable to an individual within a benefit year, so as to provide for a formula for determining the total extended benefit amount payable to an individual with respect to the applicable benefit year for weeks beginning in a high-unemployment period.

**H.3947 "21<sup>ST</sup> CENTURY GOVERNMENT EFFICIENCY ACT" Rep. Loftis**

This bill establishes the "21<sup>st</sup> Century Government Efficiency Act" to expand the use of technology across agencies and levels of government in order to reduce duplication, improve coordination, and enhance services to citizens and businesses. The legislation provides for the powers, duties, and responsibility of the Division of State Information Technology (DSIT) of the State Budget and Control Board to effectuate the act's provisions.

**H.3953 STATE TAX CREDIT FOR HIRING AN INDIVIDUAL RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS Rep. Hart**

This bill establishes a state tax credit for employers hiring an unemployed individual receiving unemployment compensation benefits. The amount of the credit is one hundred dollars a month for each employee meeting the legislation's eligibility criteria.

The credit may be taken against income taxes, the bank tax, the savings and loan association tax, the corporate license tax, and insurance premium taxes. The credit is allowed for eligible individuals hired after June 30, 2009, and before July 1, 2010, and extends for fifty months for each creditable employee.

**H.3962 GOVERNOR REQUIRED TO APPLY FOR STATE FISCAL  
STABILIZATION FUNDS Rep. J. E. Smith**

This joint resolution requires the Governor to apply for state fiscal stabilization funds available under the federal American Recovery and Reinvestment Act of 2009. The legislation makes findings that it is in the best interest of the state for the Governor to apply for these funds and that the General Assembly has the authority to require the Governor to make the application. The legislation provides that the Governor must apply for the funds within thirty days of the effective date of the joint resolution. The legislation provides that the assurances that must be made to obtain the funds are the policy of this state. The legislation establishes baseline data on these assurances, and describes how the state will utilize the funds.

**H.3963 TWENTY-FIRST CENTURY FOUNDATION PROGRAM FOR PUBLIC  
SCHOOL FUNDING Rep. Battle**

This bill establishes a twenty-first century foundation program to provide for comprehensive revisions to the state's funding of public education.

**H.3966 PROPERTY TAX EXEMPTION FROM ASSESSMENT RATIO  
INCREASES FOR UNSOLD AND UNRENTED VACATED  
RESIDENCES**

**Rep. G. M. Smith**

This bill provides that the assessment ratio on a homeowner's principal residence shall remain at four percent until the end of the calendar year following the year in which the homeowner vacates the property if the homeowner is attempting to sell the property through a real estate broker or by owner and it remains unsold and not rented. The legislation specifies that these provisions shall be construed as providing a property tax exemption from the amount of any property tax increase resulting from the assessment ratio increasing from four percent to six percent and not as providing a change in assessment ratio. The legislation provides that if the principal residence is sold, rented, or otherwise undergoes an assessable transfer of interest, the applicable assessment ratio shall be determined in the manner provided by law.

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